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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/692,422

10/23/2003

Douglas Thai

PAT-1336CIP-CON

8371

7590

06/28/2006

Raymond Sun
Law Offices of Raymond Sun
12420 Woodhall Way
Tustin, CA 92782

EXAMINER

HYLTON, ROBIN ANNETTE

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,422

Applicant(s)

THAI, DOUGLAS

Examiner

Robin A. Hylton

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22,23 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22,23 and 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 9, 2006 has been entered.

Terminal Disclaimer

2. The terminal disclaimer filed on April 21, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patents 6,638,131, 6,595,822, and 6,857,928 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

3. The indicated allowability of claims 22,23 and 25-33 is withdrawn in view of the newly discovered reference(s) to Wright and Russell. Rejections based on the newly cited reference(s) follow.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 22, 27-30, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (US 5,678,684) in view of either of LaFata (US 6,135,842).

It is noted the claims do not set forth specific structure for the "lining" of the shaft.

Wright teaches a "bubble solution" container comprising a container body **520 or 620** having an inner chamber, a bottom wall, a top wall, an opening provided in the top wall **540 or 640**, and a tube **560 or 660** extending from the opening into the inner chamber to provide

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communication between the inner chamber and the exterior of the container body and a lid **680** pivotably coupled to the top wall and covering the opening.

With respect to the embodiment of figure 9, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide lid **580** and container neck with screw threads for pivotal engagement with the container since the examiner takes Official Notice of the equivalence of snap-over beads, friction-fit engagement, and screw threads for their use in the container art and the selection of any of these known equivalents to secure a lid to a container would be within the level of ordinary skill in the art.

Wright does not teach a stopper positioned inside the tube, the stopper having a shaft having a first end and a second end, with a serrated bubble ring provided at the first end and a support section provided at the second end, wherein a lining is provided around a portion of the support section.

LaFata teaches a stopper for positioning inside a tube, the stopper **30** having a shaft **36** having a first end and a second end, with a serrated bubble ring **34** provided at the first end and a support section **32** provided at the second end, wherein a lining **38** is provided around a portion of the support section.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the stopper of LaFata with the container of Wright, wherein the lining would be of a size to fit within the lead-in conical section of the top wall opening such that the pivotal lid closes the opening with the stopper in the tube. Doing so allows for using the container with a different liquid solution and/or for entertainment.

Regarding the shape of the opening, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the opening of any desired shape

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since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art.

6. Claims 23,27, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 22 and 30 above, and further in view of Patterson (US 5,105,975).

Wright as modified teaches the claimed container except for upper and lower body portions having mouths in communication with each other to form the inner chamber.

Patterson teaches it is known to provide a container with upper and lower body portions having mouths in communication with each other to form the inner chamber.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of upper and lower body portions having mouths in communication with each other to form the inner chamber to the container of Wright. Doing so allows for multiple container body configurations using various colors and designs on the upper and lower body portions.

7. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 23 above, and further in view of Russell (US 2,529,817).

Wright as modified teaches the claimed container except for a hood connected to the top wall and cooperating with the lid.

Russell teaches a closure having a hood 7 and a lid 10 pivotally operational for allowing access to the container top wall opening.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the closure of Russell for the closure of Wright. Doing so allows for access to the stopper without the necessity of removing the closure from the container body. In the applied position, the hood is connected to the top wall via the conical lead-in portion 556.

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Conclusion

8. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F.R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Various prior art disclosures teaching features similar to those disclosed and/or claimed are cited for their disclosures.

10. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (571) 273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

11. It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence for Application Serial No. _____ is being facsimiled to The U.S. Patent and Trademark Office via fax number 571-273-8300 on the date shown below:

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Typed or printed name of person signing this certificate

Signature_____

Date_____

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (571) 272-4540. The examiner can normally be reached Monday - Friday from 9:00 a.m. to 4:00 p.m. (Eastern time).

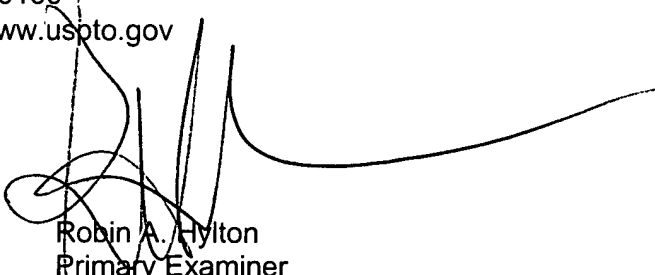
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse, can be reached on (571) 272-4544.

Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Other helpful telephone numbers are listed for applicant's benefit:

- Allowed Files & Publication (888) 786-0101
- Assignment Branch (800) 972-6382
- Certificates of Correction (703) 305-8309
- Fee Questions (571) 272-6400
- Inventor Assistance Center (800) PTO-9199
- Petitions/special Programs (571) 272-3282
- Information Help line 1-800-786-9199
- Internet PTO-Home Page <http://www.uspto.gov>

RAH
June 25, 2006


Robin A. Hylton
Primary Examiner
GAU 3727